



Joint Industry Request for Consultation on the Telecom Bill, 2022, Second Draft

July 06, 2023

On behalf of the undersigned associations, we write to request further consultation on the next draft of the proposed Telecommunication Bill, 2022 (Draft Bill), first circulated for public comment on 21 September 2022.

Our associations represent global companies that develop, sell, or rely on digital technologies and services. Our joint membership represents all corners of the digital universe and we support the Government of India's stated commitment to promoting digital inclusion and catalyzing the next generation of digitally-enabled economic growth. India is a global technology leader that creates and supplies goods and services to contribute to a productive, competitive, and innovative global economy and society. Thoughtful regulatory approaches have been critical to that success.

We understand that the Government of India is in the process of finalising a second draft of the Telecommunications Bill, 2022. We commend the government for the consultative approach adopted with respect to the first draft of the Bill. Continuing in the same spirit, **we request the Department of Telecommunications organise an open house and conduct another public consultation process on the second draft of the bill, before finalising the telecommunications bill.**

Our key recommendations for the initial draft included:

- The definition of “telecommunications services” and applicable requirements should exclude Information Technology (IT) and Digital services and products. Specifically, the Bill should exclude services that are delivered over the internet or the application layer (such as but not limited to electronic mail, Internet-based communication services, machine-to-machine communication services, and over-the-top (OTT) communication services including video and data communication services). Communication services are being increasingly integrated as an ancillary function into almost every conceivable service. While we appreciate the intention of creating a “future-ready” framework, the addition of internet-based communication services in this definition will hamper the upcoming innovations taking place, for example in smart IoT devices.

- Customer equipment, devices, and software should be excluded from the definition of “telecommunications equipment” as they are already regulated by the Ministry of Electronics and Information Technology (MeiTY). Instituting additional regulations on these devices will create a considerable compliance burden, leading to barriers to innovation and faster technology adoption – impacting a fast-growing and fledgling sector.

Given the wide scope of the proposed framework, we believe further consultations with a wide range of stakeholders both domestic and global would help in setting up a futuristic roadmap for digital India.

We look forward to engaging with your team on the second draft Bill at the earliest.

Sincerely,

Information Technology Industry Council (ITI)

ACT | The App Association

Asia Internet Coalition (AIC)

BSA | The Software Alliance

Computer & Communications Industry Association (CCIA)

India Cellular & Electronics Association (ICEA)

Japan Electronics and Information Technology Industries Association (JEITA)

Software & Information Industry Association (SIIA)

U.S. Council for International Business

US-India Strategic Partnership Forum (USISPF)